

**OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA**
TWELFTH DAY'S PROCEEDINGS

**Thirty-First Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Thursday, May 12, 2005

The Senate was called to order at 9:30 o'clock A.M., by Hon. Donald E. Hines, President of the Senate.

ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. President	Ellington	McPherson
Adley	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Cain	Gautreaux N	Nevers
Cheek	Heitmeier	Schedler
Cravins	Jackson	Smith
Dardenne	Jones	Theunissen
Duplessis	Kostelka	Ullo
Dupre	Malone	

Total - 29

ABSENT

Amedee	Chaisson	Marionneaux
Bajoie	Hollis	Romero
Broome	Lentini	

Total - 8

The President of the Senate announced there were 29 Senators present and a quorum.

Prayer

The prayer was offered by Senator Barham, following which the Senate joined in pledging allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Barham, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**PASSED SENATE BILLS AND
JOINT RESOLUTIONS**

May 11, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed the following Senate Bills and Joint Resolutions:

SENATE BILL NO. 74—
BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 39:1405.3(B), relative to the issuance of industrial revenue bonds; to require the approval of the issuance of such bonds by certain local governmental entities in Bossier Parish prior to State Bond Commission approval; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Senator Heitmeier in the Chair

**Introduction of
Senate Concurrent Resolutions**

Senator Ellington asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Concurrent Resolutions a first and second time and acting upon them as follows:

SENATE CONCURRENT RESOLUTION NO. 55—
BY SENATOR HINES

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of John R. "Red" Bourg and to record for posterity the enduring appreciation of the members of the Legislature of Louisiana for his lifetime of contributions to Louisiana, his family and community.

The resolution was read by title. Senator Hines moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	McPherson
Adley	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Cain	Gautreaux N	Nevers
Cheek	Heitmeier	Schedler
Cravins	Jackson	Smith
Dardenne	Jones	Theunissen
Duplessis	Kostelka	Ullo
Dupre	Malone	

Total - 29

NAYS

Total - 0

ABSENT

Amedee	Chaisson	Marionneaux
Bajoie	Hollis	Romero
Broome	Lentini	

Total - 8

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**Senate Resolutions
to be Adopted**

The following Senate Resolutions to be adopted were taken up and acted upon as follows:

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SENATE RESOLUTION NO. 77—

BY SENATOR MARIONNEAUX

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Navy Lieutenant Michael Scott Lemana upon the approach of the fourth anniversary of his death.

On motion of Senator Hines, the resolution was read by title and returned to the Calendar, subject to call.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

May 12, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 669—

BY REPRESENTATIVE MCVEA

AN ACT

To enact Chapter 44 of Title 34 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 34:3281 through 3286, to create the West Feliciana Parish Port Commission; to provide for a board of commissioners to manage the commission; to provide for the powers and duties of the commission including the authority to levy taxes and issue bonds; and to provide for related matters.

HOUSE BILL NO. 645—

BY REPRESENTATIVE ROBIDEAUX

AN ACT

To amend and reenact R.S. 6:255 and R.S. 12:57 and to enact R.S. 6:257 and R.S. 12:59, relative to shares of stock; to provide for shares without stock certificates; to provide for transfer of shares; and to provide for related matters.

HOUSE BILL NO. 721—

BY REPRESENTATIVE BURNS

AN ACT

To amend and reenact R.S. 47:1601(A), relative to the interest on unpaid taxes; to provide the method of interest computation on notices of assessment for unpaid taxes; to provide for the authority of the secretary to abate interest attributable to unreasonable delays; to provide for the authority of the secretary to provide by rule for the compromise the amount of interest due; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 718—

BY REPRESENTATIVE BURNS

AN ACT

To amend and reenact R.S. 47:1508(B)(9) and to enact R.S. 47:1508(B)(21) and (22), relative to the furnishing of certain tax information to the State Departments of Natural Resources, Public Safety and Corrections, and Agriculture and Forestry; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 174—

BY REPRESENTATIVE MONTGOMERY

AN ACT

To enact R.S. 38:2212(A)(1)(d)(iii), relative to public contracts; to provide relative to certain contracts advertised and let by the Bossier Parish Police Jury; to increase the contract limit for

certain contracts; to provide relative to certain restrictions; to authorize the contract limit to be adjusted annually to reflect inflation; to require the Bossier Parish Police Jury to publish the contract limit under certain circumstances; and to provide for related matters.

HOUSE BILL NO. 763—

BY REPRESENTATIVE TOWNSEND

AN ACT

To enact R.S. 51:422.1, relative to unfair sales; to provide for the application of unfair sales provisions to the sale of motor fuel; to provide for exemptions; to provide for maintenance of records; and to provide for related matters.

HOUSE BILL NO. 123—

BY REPRESENTATIVES DOWNS AND GALLOT

AN ACT

To enact R.S. 36:509(U) and Part XXXI of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3087.281 through 3087.295, relative to the Lincoln Parish Reservoir Authority; to create the Lincoln Parish Reservoir Authority as a state agency; to provide for a board of commissioners to manage the reservoir authority; to provide for the reimbursement of the amount originally paid for property returned to a prior landowner; to limit the authority of the district to expropriate property; to provide for the powers and duties of the authority including the authority to issue bonds; to prohibit certain actions; to provide for penalties; to provide relative to the authority's relationship with the Department of Transportation and Development and the Louisiana Wildlife and Fisheries Commission; and to provide for related matters.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

House Bills and Joint Resolutions on First Reading

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

HOUSE BILL NO. 123—

BY REPRESENTATIVES DOWNS AND GALLOT

AN ACT

To enact R.S. 36:509(U) and Part XXXI of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3087.281 through 3087.295, relative to the Lincoln Parish Reservoir Authority; to create the Lincoln Parish Reservoir Authority as a state agency; to provide for a board of commissioners to manage the reservoir authority; to provide for the reimbursement of the amount originally paid for property returned to a prior landowner; to limit the authority of the district to expropriate property; to provide for the powers and duties of the authority including the authority to issue bonds; to prohibit certain actions; to provide for penalties; to provide relative to the authority's relationship with the Department of Transportation and Development and the Louisiana Wildlife and Fisheries Commission; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 174—

BY REPRESENTATIVE MONTGOMERY

AN ACT

To enact R.S. 38:2212(A)(1)(d)(iii), relative to public contracts; to provide relative to certain contracts advertised and let by the Bossier Parish Police Jury; to increase the contract limit for certain contracts; to provide relative to certain restrictions; to authorize the contract limit to be adjusted annually to reflect inflation; to require the Bossier Parish Police Jury to publish the contract limit under certain circumstances; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 645—

BY REPRESENTATIVE ROBIDEAUX
AN ACT

To amend and reenact R.S. 6:255 and R.S. 12:57 and to enact R.S. 6:257 and R.S. 12:59, relative to shares of stock; to provide for shares without stock certificates; to provide for transfer of shares; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 669—

BY REPRESENTATIVE MCVEA
AN ACT

To enact Chapter 44 of Title 34 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 34:3281 through 3286, to create the West Feliciana Parish Port Commission; to provide for a board of commissioners to manage the commission; to provide for the powers and duties of the commission including the authority to levy taxes and issue bonds; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 718—

BY REPRESENTATIVE BURNS
AN ACT

To amend and reenact R.S. 47:1508(B)(9) and to enact R.S. 47:1508(B)(21) and (22), relative to the furnishing of certain tax information to the State Departments of Natural Resources, Public Safety and Corrections, and Agriculture and Forestry; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 721—

BY REPRESENTATIVE BURNS
AN ACT

To amend and reenact R.S. 47:1601(A), relative to the interest on unpaid taxes; to provide the method of interest computation on notices of assessment for unpaid taxes; to provide for the authority of the secretary to abate interest attributable to unreasonable delays; to provide for the authority of the secretary to provide by rule for the compromise the amount of interest due; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 763—

BY REPRESENTATIVE TOWNSEND
AN ACT

To enact R.S. 51:422.1, relative to unfair sales; to provide for the application of unfair sales provisions to the sale of motor fuel; to provide for exemptions; to provide for maintenance of records; and to provide for related matters.

The bill was read by title; lies over under the rules.

**House Bills and Joint Resolutions
on Second Reading to be Referred**

The following House Bills and Joint Resolutions were read by title and referred to committees as follows:

HOUSE BILL NO. 6—

BY REPRESENTATIVES GARY SMITH, BRUCE, CROWE, DOERGE, FRITH, GEYMAN, KLECKLEY, LAFONTA, PINAC, T. POWELL, RITCHIE, SHEPHERD, STRAIN, TRAHAN, WADDELL, WALSWORTH, AND WHITE

AN ACT

To enact R.S. 29:418.1, relative to the suspension or termination of cellular phone contracts during service in the uniformed services; to authorize the termination of the contract without an early termination fee; to authorize the suspension of a cellular

phone contract without imposition of any activation fee; to require certain notices; and to provide for related matters.

On motion of Senator Ellington, the bill was read by title and referred to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 130—

BY REPRESENTATIVE HAMMETT
AN ACT

To enact R.S. 47:287.730, relative to the corporation income tax; to provide for electing out of partnership treatment for corporation income tax purposes; to provide for the treatment of certain items of income and expenses with regard to an unincorporated organization electing out of partnership treatment; to provide for the applicability of such electing out; and to provide for related matters.

On motion of Senator Ellington, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 211—

BY REPRESENTATIVES HAMMETT, BOWLER, ARNOLD, BALDONE, BAYLOR, CURTIS, DARTEZ, FARRAR, HEATON, HILL, HONEY, KENNEY, MONTGOMERY, ODINET, AND JANE SMITH
AN ACT

To amend and reenact R.S. 47:293(6)(e), relative to individual income tax; to extend the exemption for certain income earned by military personnel for services performed outside of the state; to provide for an effective date; and to provide for related matters.

On motion of Senator Ellington, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 219—

BY REPRESENTATIVE ARNOLD
AN ACT

To amend and reenact R.S. 32:429(A), relative to service and transaction fees levied by local governments to fund office of motor vehicles field offices; to increase the maximum fee allowed per service or transaction; and to provide for related matters.

On motion of Senator Ellington, the bill was read by title and referred to the Committee on Transportation, Highways and Public Works.

HOUSE BILL NO. 558—

BY REPRESENTATIVE LABRUZZO
AN ACT

To amend and reenact R.S. 37:1226.2(A)(introductory paragraph) and (2), (B)(introductory paragraph) and (1), (2), (3), (6), (7), and (8), and (D)(1) and to enact R.S. 37:1226.2(F) and (G), relative to prescription drug returns, exchanges, and redispensing; to allow penal institutions to receive donated medications for redispensing to individuals in its facility; to provide for exemptions; and to provide for related matters.

On motion of Senator Ellington, the bill was read by title and referred to the Committee on Health and Welfare.

HOUSE BILL NO. 672—

BY REPRESENTATIVES MONTGOMERY AND HOPKINS
AN ACT

To amend and reenact R.S. 47:635(A) and 640(A) and (B) and to enact R.S. 47:1520(A)(3), relative to the severance tax on oil and gas; to extend the tax return and payment due dates; to provide for a one-time payment of the oil and gas severance tax; to repeal the electronic funds transfer requirements; to require oil or gas severance tax reports to be filed electronically; to provide for an effective date; and to provide for related matters.

On motion of Senator Ellington, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 717—BY REPRESENTATIVE MCDONALD
AN ACT

To enact Part XXXI of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3087.281 through 3087.294, to create the Bayou Desiard Lake Restoration Commission as a political subdivision of the state; to provide relative to the purpose and boundaries of the commission; to provide for a board of commissioners to manage the commission; to provide for powers and duties of the commission and board; to provide relative to the power of taxation and the issuance of bonds; to prohibit certain actions; to provide for penalties; to provide relative to the commission's relationship with the Department of Transportation and Development and the Louisiana Wildlife and Fisheries Commission; and to provide for related matters.

On motion of Senator Ellington, the bill was read by title and referred to the Committee on Transportation, Highways and Public Works.

Rules Suspended

Senator Hines asked for and obtained a suspension of the rules for the purpose of taking up at this time.

**Senate Resolutions
to be Adopted, Subject to Call**

The following Senate Resolutions to be adopted, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Hines asked that Senate Resolution No. 27 be called from the Calendar at this time.

SENATE RESOLUTION NO. 27—BY SENATOR MARIONNEAUX
A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana upon the death of First Lieutenant Christopher W. Barnett of the United States Army National Guard's 1st Battalion, 156th Armor Regiment, 256th Brigade Combat Team.

On motion of Senator Hines, the resolution was read by title and adopted.

Called from the Calendar

Senator Hines asked that Senate Resolution No. 28 be called from the Calendar at this time.

SENATE RESOLUTION NO. 28—BY SENATOR MARIONNEAUX
A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army National Guard Specialist Armand "Luke" Frickey upon his death in Operation Iraqi Freedom.

On motion of Senator Hines, the resolution was read by title and adopted.

Regular Order of the Day Resumed**House Concurrent Resolutions
on Second Reading**

The following House Concurrent Resolutions were read and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 94—BY REPRESENTATIVE SCALISE
A CONCURRENT RESOLUTION

To memorialize the Congress of the United States of America to take such actions as are necessary to work to abolish the federal estate tax permanently.

The resolution was read by title. Senator Michot moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Cain	Gautreaux N	Nevers
Cheek	Heitmeier	Schedler
Cravins	Jackson	Smith
Dardenne	Jones	Theunissen
Duplessis	Malone	Ullo
Dupre	McPherson	
Total - 26		

NAYS

Total - 0

ABSENT

Mr. President	Chaisson	Lentini
Amedee	Ellington	Marionneau
Bajoie	Hollis	Romero
Broome	Kostelka	
Total - 11		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**Senate Bills and Joint Resolutions
on Second Reading
Reported by Committees**

The following Senate Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

SENATE BILL NO. 21—BY SENATOR N. GAUTREAUX
AN ACT

To enact R.S. 56:799.4(B)(8), relative to the White Lake Property Advisory Board; to provide relative to board composition and membership; to add a member at large to the board who shall be a resident of Ward 8 of Vermilion Parish and appointed by the governor; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Jones, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 68—BY SENATOR LENTINI
AN ACT

To enact R.S. 18:1505.2(S), relative to campaign finance; to prohibit certain persons from contributing to the campaign of certain judges, justices of the peace, district attorneys, and sheriffs; to prohibit the solicitation or receipt of such contributions by such judges, justices of the peace, district attorneys, and sheriffs; to provide for civil and criminal penalties; to provide for the deposition of funds; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Jones, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 93—
BY SENATOR NEVERS

AN ACT

To amend and reenact R.S. 38:2225(A), relative to health insurance on construction contracts; to provide relative to bidders on construction contracts offering health insurance coverage to employees and their dependents; to provide incentives for such contractors to maintain health insurance coverage; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 93 by Senator Nevers

AMENDMENT NO. 1

On page 1, line 2, change "amend and reenact R.S. 38:2225(A)" to "enact R.S. 38:2225.4"

AMENDMENT NO. 2

On page 1, line 7, "R.S. 38:2225(A)" to "R.S. 38:2225.4"

AMENDMENT NO. 3

On page 1, delete line 8, and insert:

"§2225.4 Incentive for employee and dependent"

AMENDMENT NO. 4

On page 1, line 10, after "**A.**" delete "**(1)**"

AMENDMENT NO. 5

On page 1, line 11, after "**contract**" delete the comma ",."

AMENDMENT NO. 6

On page 1, line 12, change "**Subsection**" to "**Section**"

AMENDMENT NO. 7

On page 1, delete line 13, and insert:

"incentive payment from the awarding entity on forty percent of the amount of the contract upon completion of the contract if"

AMENDMENT NO. 8

On page 1, at the beginning of line 14, change "**(a) Eighty-five**" to "**eighty-five**"

AMENDMENT NO. 9

On page 2, line 3, after "**coverage**" delete "**; or**" and delete lines 4 and 5, and insert a period "."

AMENDMENT NO. 10

On page 2, line 6, change "**(2)**" to "**B.(1)**"

AMENDMENT NO. 11

On page 2, delete lines 8 and 9, and insert:

"(2) Each contractor shall submit to the awarding entity proof of the health insurance coverage which was offered to the employees along with such other information which may reasonably be required by the awarding entity in order to verify the qualification of the contractor for the incentive."

AMENDMENT NO. 12

On page 2, line 10, change "**(4)**" to "**(3)**" and change "**Subsection**" to "**Section**"

AMENDMENT NO. 13

On page 2, between lines 11 and 12, insert the following:

"(4) As used in this Section, "health insurance coverage" shall mean basic coverage for basic hospital care, and coverage for physician care, as well as coverage for health care, which shall be the same coverage as is provided to employees employed in a bona fide executive, administrative, or professional capacity by take employer who are exempt from the minimum wage and

maximum hour requirements of the federal Fair Labor Standards Act, 29 U.S.C.A. §201, et seq.

(5) The requirements for health insurance coverage under this Section shall be optional for local and municipal governing authorities.

B. The provisions of this Section shall become null and void on August 15, 2007."

On motion of Senator Cain, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and recommitted to the Committee on Finance.

SENATE BILL NO. 124—
BY SENATOR CHEEK

AN ACT

To amend and reenact R.S. 17:1519.6(C), relative to the Department of Health and Hospitals; to provide with respect to Medicaid and the disproportionate share payment methodology; to provide with respect to the time period for implementing a new methodology; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 124 by Senator Cheek

AMENDMENT NO. 1

On page 2, line 4, after "methodology," delete the line and insert "as soon as possible, but no later than July, ~~2005~~ **2006**."

AMENDMENT NO. 2

On page 2, line 5, delete "~~July, 2005.~~"

AMENDMENT NO. 3

On page 2, line 6, after "groupings" insert a "." and delete the remainder of the line and delete lines 7 through 9

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 146—

BY SENATORS BAJOE AND MCPHERSON

AN ACT

To enact R.S. 17:197.1, relative to school nutrition; to provide for legislative finding; to limit the sale of certain beverages and foods at schools during specified portions of the day; to require certain decisions be made by school principles; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 146 by Senator Bajoe

AMENDMENT NO. 1

On page 2, line 3, after "**which**" insert "**, except for milk and water,**"

AMENDMENT NO. 2

On page 2, delete line 12 and insert "**(3) Low-fat milk, skim milk, and non-dairy milk."**

AMENDMENT NO. 3

On page 2, delete lines 20 and 21 and insert the following:

"(1) Food of minimal nutritional value as defined by Pennington Biomedical Research Center."

AMENDMENT NO. 4

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On page 2, delete line 23, and insert "servicing, have more than thirty-five percent of their calories from fat, or have more than thirty grams of sugar per serving, except for unsweetened or uncoated seeds or nuts."

AMENDMENT NO. 5

On page 2, after line 25, insert the following:

"E. Pennington Biomedical Research Center is authorized to develop and provide to interested persons, schools or school systems, publications relating to foods which can be sold on elementary and secondary school grounds in compliance with the provisions of this Section. For purposes of this Section, the Pennington Biomedical Research Center shall define "foods of minimal nutritional value" following any applicable federal guidelines. The Pennington Biomedical Research Center may also provide assessments of nutritional value of individual food items contemplated for sale on school grounds.

F. If on the fifteenth of May, 2005, a school district has an existing contract with a company to provide vending services which would be breached by compliance with this Section, the provisions of this Section shall be applicable to the schools in that district on the day following the end of the current term of that contract, or the date on which the contract is terminated, whichever is earlier."

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 160—

BY SENATOR AMEDEE

AN ACT

To amend and reenact R.S. 46:56(F)(9)(a), (b), (c), (d), and (e), and to enact 46:56(F)(9)(f), relative to the Department of Social Services; to provide with respect to the confidentiality of case records; to provide for limited disclosures by the department; to provide for confidentiality of records during criminal investigations; to provide for confidentiality of public records as required by federal law; and to provide for related matters.

Reported with amendments by the Committee on Senate and Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 160 by Senator Amedee

AMENDMENT NO. 1

On page 1, line 2, after "(9)(f)" insert "and (g)"

AMENDMENT NO. 2

On page 1, line 9, after "(F)" insert "(9)"

AMENDMENT NO. 3

On page 1, line 10, change "is" to "and (g) are"

AMENDMENT NO. 4

On page 2, line 25, after "defined by" delete the remainder of the line and insert "Article 603(13) "The of the Children's Code. The person receiving the information under this Subparagraph shall be bound by the confidentiality standard and subject to the penalties for improper disclosure, as prescribed in this Section."

AMENDMENT NO. 5

On page 3, line 7, change "me" to "be"

AMENDMENT NO. 6

On page 3, between lines 9 and 10 and insert the following:

"(g) Nothing in this Paragraph shall limit the authority of the department to disclose requested information to the parent or guardian of an abused or neglected child as otherwise provided by law."

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On motion of Senator Jones, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 180—

BY SENATOR MALONE

AN ACT

To amend and reenact R.S. 9:2343(E)(1), relative to public trusts; to provide relative to public trust contracts for construction, labor, equipment, or repairs; to provide relative to compliance with public bid requirements for such contracts; to remove exemption from such compliance for certain economic development facilities and activities; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Jones, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 186—

BY SENATOR BOASSO

AN ACT

To enact R.S. 18:1505.2(S), relative to campaign finance; to provide for prohibited campaign contributions; to prohibit candidates from soliciting or accepting certain campaign contributions; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Jones, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 223—

BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 12:901(A), 902, 904, 911(B), and 914, relative to professional medical corporations; to provide for the inclusion of the practice of podiatry in a professional medical corporation; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator McPherson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 272—

BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 40:2116(D), relative to a moratorium on Title XIX certified beds in nursing facilities; to provide for diversification of long-term care facilities; to provide for rule promulgation by the Department of Health and Hospitals; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 272 by Senator McPherson

AMENDMENT NO. 1

On page 1, line 2 delete "(D)"

AMENDMENT NO. 2

On page 1, line 3, after "for" insert "the encouragement of the"

AMENDMENT NO. 3

On page 1, line 7, delete "(D)"

AMENDMENT NO. 4

On page 1, line 9 delete the asterisks and insert the following:

"A. The Department of Health and Hospitals, in accordance with the Administrative Procedure Act, shall establish a facility need review process consistent with the regulations for Title XIX of the Social Security Act.

B. The department shall promulgate rules and regulations in accordance with the Administrative Procedure Act to provide for facility need review. The rules and regulations shall include but not be limited to the following:

(1) Criteria for review of ~~nursing facility beds, and~~ beds in adult residential care homes as defined in R.S. 40:2153, and community and group home beds for the mentally retarded to determine if there is a need for additional beds to enroll and participate in the Title XIX program.

(2) Criteria for review of nursing facility beds to determine if there is a need for additional beds to be licensed and enrolled in the Title XIX program.

~~(2)(3)~~ Specific duties of the department to review proposals for new facilities and determine the need therefor.

~~(3)(4)~~ Appropriate methodology for the collection of data necessary for the administration of the program.

~~(4)(5)~~ Procedures to grant and revoke approvals.

~~(5)(6)~~ Establishment of application fees.

~~(6)(7)~~ Procedures for review of applications by the department.

~~(7)(8)~~ Procedures to request a fair hearing from a determination made by the department.

~~(8)(9)~~ Provisions for judicial review from the decision rendered after a fair hearing.

* * *

AMENDMENT NO. 5

On page 1, between lines 9 and 10, insert the following:

"D.(1) The department shall promulgate rules to allow the voluntary bed abeyance of ten percent or more beds in a nursing home. The rule shall set forth a time frame in which a determination is made as to whether beds should be brought out of abeyance based upon a ninety-three percent occupancy rate within a service area."

AMENDMENT NO. 6

On page 1, line 10, delete "D." and insert "**(2)**"

AMENDMENT NO. 7

On page 1, delete lines 15 through 17 and insert "not approved prior to July 1, 1996. Such prohibition shall become"

AMENDMENT NO. 8

On page 2, line 1, delete "2008" and insert "**2008 2010**"

AMENDMENT NO. 9

On page 2, between lines 1 and 2 insert the following:

"This prohibition shall ~~not~~ apply to the replacement of existing facilities **until June 30, 2007. However, this prohibition shall not apply to an operator which has reached vertical construction of a replacement facility on or before July 1, 2005. Vertical construction shall exist when all of the following criteria are met:**

- (1) Excavation of the foundation has begun.**
- (2) Pilings for the foundation have been driven.**
- (3) Concrete has been poured for the foundation.**
- (4) Height of the structure is above ground level."**

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 292—

BY SENATORS HINES, CRAVINS AND CAIN
AN ACT

To amend and reenact Part IV of Title 4 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 4:251 and 252, and to enact R.S. 4:143(16), relative to racing; to provide for a horsemen's workers' compensation insurance program; to authorize the Horsemen's Benevolent and Protective Association to secure and provide coverage for the benefit of trainers and others licensed by the Louisiana State Racing Commission; to authorize the use of association assets and revenues as security for a reserve fund; to require each licensed trainer to have a certificate of worker's compensation insurance coverage; to prohibit admittance of a licensed trainer into any racing facility

without a certificate of worker's compensation insurance coverage; and to provide for related matters.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 292 by Senator Hines

AMENDMENT NO. 1

On page 3, line 6, after "distribute," insert "**No distribution shall be made until thirty days after the Commissioner of Insurance has received notice of the declaration thereof and has not within such period disapproved such distribution."**

AMENDMENT NO. 2

On page 3, between lines 13 and 14 insert the following:

"C. The insurance program authorized in this Part shall be subject to Parts XXVI, XXVIII and XXIX of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950. An annual audited financial statement shall be filed with the Commissioner of Insurance. The Commissioner of Insurance shall also have the authority to examine the books, records, and affairs of the Horsemen's Workers' Compensation Insurance Program."

AMENDMENT NO. 3

On page 3, line 23, after the word "**by**" and before the word "**it**" insert "**or due to**"

AMENDMENT NO. 4

On page 3, line 26, after the period ".", add the following: "**Use of monies in and expenditures from the reserve fund shall be solely for the purposes of establishing, operating and administering the insurance program authorized in this Part."**

AMENDMENT NO. 5

On page 3, line 28, after the word "**program**" insert "**as authorized in this Part**"

AMENDMENT NO. 6

On page 4, line 12, after the word "**program**" insert "**authorized in this Part**"

AMENDMENT NO. 7

On page 4, line 15, after the word "**state**" delete the word "**and**" and insert "**or**"

AMENDMENT NO. 8

On page 4, line 27, after the word "**state**" delete the word "**and**" and insert "**or**"

AMENDMENT NO. 9

On page 4, after line 28, add the following:

"(4) All racing associations in this state are encouraged to cooperate with the Horsemen's Benevolent and Protective Association in the implementation of the insurance program authorized in this Part. Upon written request by the Horsemen's Benevolent and Protective Association, racing associations shall promptly transfer to the Horsemen's Benevolent and Protective Association those monies, including purses and purse supplements, held by the racing associations for the benefit of the horsemen and the Horsemen's Benevolent and Protective Association. This written request shall indicate that the purposes of the requested transfer are the establishment, operation or administration of the insurance program authorized in this Part."

(5) The total amount of purses and purse supplements authorized for use by the Horsemen's Benevolent and Protective Association for establishment, operation or administration of the insurance program authorized in this Part shall not exceed two percent of the total amount of purses and purse supplements available for purses for any race meet."

On motion of Senator Cain, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

May 12, 2005

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Concurrent Resolution has been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 16—

BY SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To urge and request the Louisiana Department of Transportation and Development and the Louisiana Department of Culture, Recreation and Tourism, in cooperation with the National D-Day Museum, to erect a memorial marker at the visitor center on Interstate 10 in Slidell honoring Dr. Stephen Ambrose.

Respectfully submitted,
CHARLES D. JONES
Chairman

The foregoing Senate Concurrent Resolution was signed by the President of the Senate.

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

May 12, 2005

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Resolutions have been properly enrolled:

SENATE RESOLUTION NO. 23—

BY SENATORS MARIONNEAUX, ADLEY, AMEDEE, BAJOE, BARHAM, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, ROMERO, SCHEDLER, SMITH, THEUNISSEN AND ULLO

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of Sergeant Paul M. Heltzel of the United States Army National Guard, 2nd Battalion, 156th Infantry Regiment, 256th Brigade Combat Team upon his death in Operation Iraqi Freedom.

SENATE RESOLUTION NO. 24—

BY SENATORS MARIONNEAUX, ADLEY, AMEDEE, BAJOE, BARHAM, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, ROMERO, SCHEDLER, SMITH, THEUNISSEN AND ULLO

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army National Guard Sergeant Christopher J. Ramsey upon his death in Operation Iraqi Freedom.

SENATE RESOLUTION NO. 70—

BY SENATOR HINES

A RESOLUTION

To commend Jeff Keys, past president of the Bunkie AARP Chapter, for being recognized by the AARP's national office for his outstanding community service.

SENATE RESOLUTION NO. 71—

BY SENATOR CHAISSON

A RESOLUTION

To recognize and commend Felix Simoneaux, Jr., upon the occasion of his one hundredth birthday.

SENATE RESOLUTION NO. 72—

BY SENATOR DARDENNE

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana upon the death of long-time East Baton Rouge Parish teacher and librarian Virginia Joye Cranford.

SENATE RESOLUTION NO. 73—

BY SENATOR FONTENOT

A RESOLUTION

To designate May 18, 2005, as Louisiana Housing Council Day.

SENATE RESOLUTION NO. 74—

BY SENATOR HINES

A RESOLUTION

To declare Tuesday, May 10, 2005, as Tar Wars Day in the state of Louisiana and to commend all the committed individual family physicians and partnering health professionals who have worked through the Tar Wars Program to help the children of Louisiana to understand the positive aspects of not using tobacco.

SENATE RESOLUTION NO. 75—

BY SENATOR DUPLESSIS

A RESOLUTION

To urge and request the Select Committee on Women and Children to conduct a study of the feasibility of creating a grandparents' bill of rights.

SENATE RESOLUTION NO. 21—

BY SENATORS MARIONNEAUX, ADLEY, AMEDEE, BAJOE, BARHAM, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, ROMERO, SCHEDLER, SMITH, THEUNISSEN AND ULLO

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of Jeffrey L. Kirk, United States Marine Corps upon his death in Operation Iraqi Freedom.

SENATE RESOLUTION NO. 22—

BY SENATORS MARIONNEAUX, ADLEY, AMEDEE, BAJOE, BARHAM, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, ROMERO, SCHEDLER, SMITH, THEUNISSEN AND ULLO

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Specialist Charles "C.C." Persing, of the 10th Mountain Division (Light Infantry) based in Fort Drum, New York, on July 20, 2004, upon his death in Operation Iraqi Freedom.

SENATE RESOLUTION NO. 69—

BY SENATOR ROMERO

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of Margaret Hannie Haik (Mrs. Theodore Michael Haik Sr.), daughter, wife, mother, grandmother, great-grandmother, sister, child advocate, and civic and community leader.

Respectfully submitted,
CHARLES D. JONES
Chairman

The foregoing Senate Resolutions were signed by the President of the Senate.

Message to the Secretary of State

SIGNED

SENATE CONCURRENT RESOLUTIONS

May 12, 2005

To the Honorable Secretary of State:

The President of the Senate and the Speaker of the House of Representatives have signed the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 40—

BY SENATOR BAJOE

A CONCURRENT RESOLUTION

To commend Harold Fontenette for being one of the first African-American students to pursue higher educational studies, in 1958, at the Louisiana State University in New Orleans (LSUNO).

SENATE CONCURRENT RESOLUTION NO. 43—

BY SENATOR SMITH

A CONCURRENT RESOLUTION

To commend and congratulate the students and faculty at Northwestern State University on their recent success at the 10th Annual Association of Information Technology Professionals (AITP) National Collegiate Conference.

SENATE CONCURRENT RESOLUTION NO. 45—

BY SENATOR DARDENNE

A CONCURRENT RESOLUTION

To commend and congratulate Dr. Eugene R. Wittkopf upon the occasion of his retirement from Louisiana State University as R. Downs Poindexter Distinguished Professor of Political Science; to recognize and record his accomplishments and contributions to the university; and to extend to him best wishes of the Legislature of Louisiana on his future endeavors.

SENATE CONCURRENT RESOLUTION NO. 47—

BY SENATOR HINES AND REPRESENTATIVES SALTER AND WALSWORTH

A CONCURRENT RESOLUTION

To commend and congratulate the Rotary International on its 100th anniversary.

SENATE CONCURRENT RESOLUTION NO. 29—

BY SENATOR N. GAUTREAUX AND REPRESENTATIVE FRITH

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of former State Senator James E. Fontenot.

SENATE CONCURRENT RESOLUTION NO. 30—

BY SENATOR BAJOE

A CONCURRENT RESOLUTION

To invite Chief Justice Pascal Calogero of the Louisiana Supreme Court to address a joint session of the legislature.

SENATE CONCURRENT RESOLUTION NO. 31—

BY SENATOR MOUNT AND REPRESENTATIVE KLECKLEY

A CONCURRENT RESOLUTION

To commend McNeese State University School of Nursing on the occasion of its fiftieth anniversary of training nurses to serve in the health care delivery system in Louisiana and throughout the nation.

SENATE CONCURRENT RESOLUTION NO. 33—

BY SENATOR THEUNISSEN AND REPRESENTATIVE FRITH

A CONCURRENT RESOLUTION

To continue and revise the Cameron Parish Economic Development Task Force for the purpose of studying and making recommendations relative to economic development in Cameron Parish.

SENATE CONCURRENT RESOLUTION NO. 34—

BY SENATORS DARDENNE, AMEDEE, BOASSO, MALONE AND MICHOT AND REPRESENTATIVES M. GUILLORY, HAMMETT, MONTGOMERY, T. POWELL, QUEZAIRE, ROBIDEAUX, SCHNEIDER, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BEARD, BOWLER, BRUCE, BRUNEAU, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GEYMAN, GLOVER, GRAY, GREENE, E. GUILLORY, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LABRUZZO, LAFLEUR, LAFONTA, LAMBERT, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MORRELL, MORRISH, ODINET, PIERRE, PINAC, PITRE, M. POWELL, RICHMOND, RITCHIE, ROMERO, SALTER, SCALISE, SHEPHERD, SMILEY, JACK SMITH, JANE SMITH, JOHN SMITH, GARY SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON AND WRIGHT

A CONCURRENT RESOLUTION

To commend the recipients of the 2005 Louisiana Young Heroes Award.

SENATE CONCURRENT RESOLUTION NO. 37—

BY SENATORS DARDENNE AND BROOME AND REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To commend the American Bowling Congress (ABC) for locating and conducting the 102nd ABC Tournament at the Baton Rouge River Center.

Respectfully submitted,
GLENN A. KOEPP
Secretary of the Senate

Leaves of Absence

The following leaves of absence were asked for and granted:

Amedee	1 Day	Bajoie	1 Day
Broome	1 Day	Chaisson	1 Day
Hollis	1 Day	Lentini	1 Day
Marionneaux	1 Day	Romero	1 Day

Adjournment

Senator Ellington moved that the Senate adjourn until Monday, May 16, 2005, at 4:30 o'clock P.M.

The President of the Senate declared the Senate adjourned until 4:30 o'clock P.M. on Monday, May 16, 2005.

GLENN A. KOEPP
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk